

rejection is erroneous because Seino lacks one or more steps or elements recited in claims 1-18.

With respect to base claim 1, Seino lacks the steps of determining and selecting. With respect to claim 10, Seino lacks a processor that performs the steps of determining and selecting. The Office Action reads the step of determining a calculated age of the printhead on element C of Seino's flowchart of Fig. 6. The Fig. 6 flowchart concerns how much ink is taken from an ink cartridge to fill the printhead. Element C is described at column 4, lines 65-67, as determining whether or not the ink cartridge exceeds its expiration date. In contrast, claim 1 recites: "determining a calculated age of the printhead". Seino at element C determines if the cartridge (and not the printhead) is within its permissible life-based on the ink cartridge's expiration date. Thus, Seino lacks the determining step of claim 1 and of the processor of claim 10.

+ check ID
in Seino
See spec.
p. 14, l. 6-12
↓
same teaching
in Seino

The Office Action reads the selecting step on element F of Seino's flowchart of Fig. 6. Element F is described at column 5, lines 7-18, as determining whether the ID data of the current ink cartridge and the ID data of the previous ink cartridge are identical. Based on the identity determination of step F and a user designation of a refill product, ink is taken in a normal, middle or large amount to fill the printhead for ensuing print operations at step K of Fig. 7. Taking ink from an ink cartridge to fill the printhead is not selecting a service procedure based on the determined calculated age as recited in claims 1 and 10. or a processor. Thus, Seino lacks the selecting step of claim 1 and of the processor of claim 10.

With respect to claims 2 and 11, the Office Action cites the passage at column 5, lines 5-39, as support for the feature of these claims that the selected service procedure having an impact on the long term life of the printhead that is proportional to the calculated age. As noted above this passage is concerned

with the ink cartridge and not the printhead. Thus, Seino lacks the feature recited in claims 2 and 11.

With respect to claims 3 and 12, the Office Action cites the passage at column 4, lines 59-62, as support for the step of classifying the calculated age as one of a plurality of phases recited in these claims. This passage concerns ink cartridges and not the printhead. Thus, Seino lacks the classifying step recited in claims 3 and 12.

With respect to claims 4 and 13, the Office Action cites the passage at column 3, lines 30-35, as support for the feature of these claims that the plurality of phases including at least a beginning of life phase and a maturity phase. This passage concerns ink cartridges and not the printhead. Moreover, the passage does not mention a beginning of life phase and a maturity phase. Thus, Seino lacks the feature recited in claims 4 and 13.

With respect to claims 5 and 14, the Office Action cites the passage at column 6, lines 8-26, as support for the feature of these claims that the plurality of phases including at least a beginning of life phase, a middle of life phase and a maturity phase. This passage concerns a permissible life of an ink cartridge and not the printhead. Moreover, the passage does not mention a beginning of life phase, a middle of life phase and a maturity phase. Thus, Seino lacks the feature recited in claims 5 and 14.

With respect to claims 6 and 15, the Office Action cites element R the flowchart of Fig. 7 as support for the feature of these claims that the selected service procedure for the beginning of life phase having a low impact on the long term life of the printhead. Element R performs a strong recovery based on the life of the ink cartridge and not the life of the printhead as claimed by claims 6 and 15. Thus, Seino lacks the feature recited in claims 6 and 15.

With respect to claims 7 and 16, the Office Action cites element Q of the flowchart of Fig. 7 as support for the feature of these claims that the selected service procedure for the middle of life phase having a moderate impact on the long term life of the printhead. Element Q performs a normal recovery based on the life of the ink cartridge and not the life of the printhead as claimed by claims 7 and 16. Thus, Seino lacks the feature recited in claims 7 and 16.

With respect to claims 8 and 17, the Office Action cites element S of the flowchart of Fig. 7 as support for the feature of these claims that the selected service procedure for the maturity phase having a severe impact on the long term life of the printhead. Element S displays a message indicating that the permissible life of the ink cartridge has expired. This has nothing to do with the feature of the selected service procedure for the maturity phase having a severe impact on the long term life of the print as claimed by claims 8 and 17. Thus, Seino lacks the feature recited in claims 8 and 17.

With respect to claims 9 and 18, the Office Action cites the passages at column 3, lines 47-49 and column 4, lines 45-52, as support for the feature of these claims that the determining step utilizes the factor of the number of previous service procedures. As noted above in the discussion of claim 1 and 10, Seino does not determine a calculated age of the printhead. The data listed in these two passages is not used in a determining step, but rather is simply saved and presented to a user with advice. See column 2, lines 1-7. Thus, Seino lacks the feature recited in claims 9 and 18.

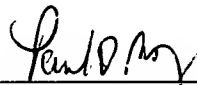
For the reason set forth above, it is submitted that the rejection of claims 1-18 under 35 U.S.C. 102(e) as anticipated by Seino is erroneous and should be withdrawn.

Attached hereto is a marked-up version of the changes made to the specification and claims by the present amendment. The attachment is captioned "Version With Markings To Show Changes Made."

It is respectfully requested for the reasons set forth above that the rejection under 35 U.S.C. 102(e) be withdrawn, that claims 1-18 be allowed and that this application be passed to issue.

Respectfully Submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Application, Serial No. 09/998,799

IN THE CLAIMS

Please amend the claims as follows:

12. (Amended) The [method] apparatus of claim 10, further comprising circuitry for classifying said calculated age as one of a plurality of phases.
13. (Amended) The [method] apparatus of claim 12, wherein said plurality of phases include at least a beginning of life phase and a maturity phase.
14. (Amended) The [method] apparatus of claim 12, wherein said plurality of phases include at least a beginning of life phase, a middle of life phase and a maturity phase.
15. (Amended) The [method] apparatus of claim 14, wherein said selected service procedure for said beginning of life phase has a low impact on the long term life of said printhead.
16. (Amended) The [method] apparatus of claim 14, wherein said selected service procedure for said middle of life phase has a moderate impact on the long term life of said printhead.
17. (Amended) The [method] apparatus of claim 14, wherein said selected service procedure for said maturity phase has a severe impact on the long term life of said printhead.
18. (Amended) The [method] apparatus of claim 10, wherein said processor for determining said calculated age comprises utilizing at least one factor selected from the group consisting of: volume of ink expelled, type of previous

service procedures, number of previous service procedures, types of previous failures, number of previous failures, time and number of print jobs printed.